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TOWN WARRANT
Annual Town Meeting
April 29, 1996

Hampshire, ss.

To one of the Constables of the Town of Amherst, in said county, Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify the registered voters of the Town of Amherst of the **Annual Town Meeting** to be held in the Auditorium of the Amherst Regional Junior High School in said Amherst at seven-thirty o'clock p.m. on **Monday, the 29th day of April**, nineteen hundred and ninety-six, when the following articles will be acted upon by town meeting members:

ARTICLE 1. Reports of Boards and Committees (Select Board)

To see if the Town will hear only those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form.

ARTICLE 2. Transfer of Funds - Unpaid Bills (Select Board)

To see if the Town will, in accordance with Chapter 44, Section 64, appropriate and transfer a sum of money to pay unpaid bills of previous years.

ARTICLE 3. Authorization for Compensating Balance Accounts (Select Board)

To see if the Town will accept the provisions of Chapter 44, section 53F of the Massachusetts General Laws, which authorize the Treasurer to enter into written agreements with banking institutions pursuant to which the Treasurer agrees to maintain funds on deposit in exchange for banking services.

ARTICLE 4. Optional Tax Exemptions (Select Board and Board of Assessors)

To see if the Town will authorize a maximum exemption of 100 percent for taxpayers qualifying for exemption under M.G.L. Ch. 59, Sec.17D, 22, 37A, and 41C.

ARTICLE 5. FY 96 Operating Budget Amendments (Select Board)

To see if the Town will amend FY 96 operating budgets.

ARTICLE 6. FY 97 Operating Budget (Finance Committee)

To see if the Town will adopt a comprehensive operating budget for the ensuing year and raise and appropriate money therefor.

ARTICLE 7. Retirement Assessment (Select Board)

To see if the Town will raise and appropriate \$1,254,400 for the Hampshire County Retirement System assessment.

ARTICLE 8. Special Services - Amherst Community Television (Select Board)

To see if the Town will raise and appropriate \$4,500 for Amherst Community Television and related expenses.

ARTICLE 9. Special Services - Congregate Housing (Select Board)

To see if the Town will raise and appropriate \$50,000 for the development and coordination of support services essential to the tenants of congregate housing, said program to be fully reimbursed by the Department of Elder Affairs.

ARTICLE 10. Special Services - Transportation Subsidies (Select Board)

To see if the Town will endorse no-fare public transit service to the Echo Hill, Cushman, and Orchard Valley areas of the Town and for elderly and disabled special services, and approve the levying of an assessment by the Commonwealth of Massachusetts for the Town's proportionate share of the cost of such services.

ARTICLE 11. Special Services - Human Services Agencies

(Select Board and Human Services Funding Committee)

To see if Town will raise and appropriate \$117,483 for the following human services agencies:

Amherst Survival Center	\$23,837
Cambodian American Association	\$ 5,000
Center for Human Development:	
Big Brother/Big Sister	\$15,500
Helen Mitchell Outreach Project	\$15,500
Learning for Life	\$ 3,000
Not Bread Alone	\$ 5,000
Children's Aid and Family Services	\$ 6,000
Commuter Services - Homesharing	\$ 1,200
Everywoman's Center	\$ 2,500
Food Bank	\$ 900
HCAC - First Call for Help	\$ 8,000
Hampshire County VNA - Senior Health	\$ 6,000
Men's Resource Center	\$ 2,500
Necessities/Necesidades	\$ 5,000
YWCA Teen Parent Program	\$ 4,000
After School Tuition Program	\$13,546

ARTICLE 12. Capital Program - Equipment (Joint Capital Planning Committee)

To see if the Town will appropriate \$652,500 to purchase, repair, and/or install new or replacement equipment listed below and be authorized to turn in or sell corresponding items of equipment as part payment and to determine whether such appropriation shall be raised by taxation, the transfer of available funds, by borrowing, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants from the Commonwealth of Massachusetts or otherwise and further authorize the Treasurer to borrow in anticipation of reimbursement for said grants.

Computers	Tractor
Cruisers (4)	Dump Trucks (3)
Horse Trailer	Van
Fire Turnout Gear	Fire Vehicle
Leaf Loader	Pickup Trucks (2)
Historical Records Restoration	
Playground Equipment	
Kitchen Equipment	

ARTICLE 13. Capital Program - Buildings and Facilities

(Joint Capital Planning Committee)

To see if the Town will appropriate \$225,000 to repair and/or improve facilities listed below and to determine whether such appropriation shall be raised by taxation, the transfer of available funds, by borrowing, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants from the Commonwealth of Massachusetts or otherwise and further authorize the Treasurer to borrow in anticipation of reimbursement for said grants.

Child Care Facility Maintenance
Oil Tank Removal
Carpet Replacement
Roof Repairs
Asbestos Removal
Downtown Improvements
Athletic Fields
Disability Access Improvements
Boltwood Parcel C-3 Assessment
Salt Shed
Energy Management System

ARTICLE 14. Capital Program - Conservation - Agricultural Preservation Restrictions

(Conservation Commission and Joint Capital Planning Committee)

To see if the Town will appropriate \$2,500 to assist the Department of Food and Agriculture, Commonwealth of Massachusetts, with the purchase of Agricultural Preservation Restrictions on farms in Amherst and to determine whether such appropriation shall be raised by taxation, the transfer of available funds, by borrowing, or otherwise.

ARTICLE 15. Capital Program - Chapter 90 (Select Board)

To see if the Town will:

- a. authorize expenditure of Chapter 90 funds for the following purposes:
 - \$10,000 to design improvements to the Main/Amity/No.Pleasant/So.Pleasant intersection;
 - \$30,000 to design improvements to the Route 9/Route 116 intersection;
 - \$10,000 to design sidewalk improvements on College Street;
 - \$220,000 for improvements to Flat Hills Road;
 - \$300,000 for construction and repair of certain roads in Town, and
- b. authorize the Treasurer to borrow in anticipation of reimbursement of these funds from the Commonwealth of Massachusetts.

ARTICLE 16. Capital Program - Water Fund - Land Acquisition/Lawrence Swamp (Rhodes)
(Conservation Commission)

To see if the Town will authorize the Select Board to acquire by eminent domain, purchase, gift or otherwise approximately 10.9 acres of property located in the Lawrence Swamp on Hop Brook and known as the Rhodes property, for conservation and aquifer protection purposes, and to appropriate \$2,700 for such acquisition and to determine whether such appropriation shall be raised by taxation, the transfer of available funds, by borrowing, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants from the Commonwealth of Massachusetts or otherwise and further authorize the Treasurer to borrow in anticipation of reimbursement for said grants.

ARTICLE 17. Capital Program - Water Fund - Land Acquisition/Lawrence Swamp
(Mosakewicz) (Conservation Commission)

To see if the Town will authorize the Select Board to acquire by eminent domain, purchase, gift or otherwise of approximately 7 acres of property located in the Lawrence Swamp on Hop Brook and known as the Mosakewicz property, for conservation and aquifer protection purposes, to appropriate \$7,000 for such acquisition and to determine whether such appropriation shall be raised by taxation, the transfer of available funds, by borrowing, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants from the Commonwealth of Massachusetts or otherwise and further authorize the Treasurer to borrow in anticipation of reimbursement for said grants.

ARTICLE 18. Capital Program - Sewer Fund - Sewer Rehabilitation - Hitchcock Road
(Select Board)

To see if the Town will appropriate \$100,000 to repair or replace approximately 800 feet of 16" sewer line on Hitchcock Road and to determine whether such appropriation shall be met by revenues of the current year, by the transfer of available funds, by borrowing, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants from the Commonwealth of Massachusetts or otherwise and further to authorize the Treasurer to borrow in anticipation of reimbursement for said grants.

ARTICLE 19. Capital Program - Sewer Fund - Amherst-Pelham Extension (Select Board)

To see if the Town will:

- a. enter into an agreement with the Town of Pelham for the purpose of extending an 8" sewer line approximately 5,000 feet into Pelham to service residents of Pelham and the Centennial Water Treatment Plant as set forth in the Agreement, and
- b. appropriate \$400,000 in the Sewer Fund for extension of an 8" sewer line to the Centennial Water Treatment Plant in Pelham and to determine whether such appropriation shall be met by revenues of the current year, by the transfer of available funds, by borrowing, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants from the Commonwealth of Massachusetts or otherwise and further to authorize the Treasurer to borrow in anticipation of reimbursement for said grants.

ARTICLE 20. Release of Interests in Brickyard Lane (Select Board)

To see if the Town will authorize the Select Board:

- a. to release to Amherst Village, Inc., and Sabrina Realty Limited Partnership any rights and interests within their respective parcels which the Town may have in the old road or way from Old Belchertown Road to the old brickyard, in consideration and in exchange for their release to the Town of Amherst of any rights and interests within the parcel owned by the Town which they may have in said road or way; and
- b. to release to Amherst Village, Inc., and Sabrina Realty Limited Partnership the Town's rights and interests within their respective parcels to a 20.00' wide water line easement, acquired by the Town by instrument recorded in the Hampshire County Registry of Deeds at Book 1539, Page 425, in consideration and in exchange for their conveyance to the Town of the substitute 20.00' wide water line easement, as shown on the Definitive Subdivision Plan, East Woods, Amherst, Massachusetts, dated January 26, 1996, prepared by Heritage Surveys, Inc. for Amherst Village, Inc. and Sabrina Realty Limited Partnership.

ARTICLE 21. Capital Program - Town Hall

(Select Board and Town Hall Restoration Task Force)

To see if the Town will amend the appropriation under Article 6 of the October 23, 1995 Special Town Meeting for renovations and repairs to the Town Hall, including design, and to determine whether such appropriation shall be raised by taxation, the transfer of available funds, by borrowing, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants from the Commonwealth of Massachusetts or otherwise and further to authorize the Treasurer to borrow in anticipation of reimbursement for said grants.

ARTICLE 22. Stabilization Fund (Select Board)

To see if the Town will appropriate and transfer a sum of money to the Stabilization Fund for FY 97.

ARTICLE 23. Free Cash (Select Board)

To see if the Town will appropriate and transfer a sum of money from Free Cash in the Undesignated Fund Balance of the General Fund to reduce the tax levy of the 1997 Fiscal Year.

ARTICLE 24. Zoning Bylaw - Farm Stands - Standards and Conditions (Planning Board)

To see if the Town will amend Sections 3.3120 & 3.3121 of the Zoning Bylaw by adding the shaded language, as follows:

3.3120 Class I

During June, July, August & September, the majority of the products sold shall be produced by the owner, lessee or other lawful occupant of the land on which the facility is located or made from the products so produced.

3.3121 Class II

During June, July, August & September, at least 25% of the products sold shall be produced by the owner, lessee or other lawful occupant of the land on which the facility is located or made from products so produced.

ARTICLE 25. Zoning Map - Properties Formerly in the Aquifer Recharge Protection

District (Planning Board)

To see if the Town will amend the Official Zoning Map by rezoning the following properties from the Low Density Residence District (R-LD) to the Neighborhood Residence District (R-N):

Map 17D - Parcels 2, 17; Map 20B - Parcels 6, 10, 19, 52, 54, 63, 67, 68, 69; Map 20D - Parcels 56, 71; Map 21B - Parcels 12, 13, 34 & 35.

ARTICLE 26. Zoning Map - Bay Road Rezoning (Planning Board)

To see if the Town will amend the Official Zoning Map by removing the southern portions of parcels 59, 60 & 61, Map 25B, from the Farmland Preservation (FP) Overlay District.

ARTICLE 27. Zoning Map - 1184 North Pleasant Street

(By Request of Marie Burbine-Twohig)

To see if the Town will amend the Official Zoning map by rezoning parcel 140, Map 5A from the Village Center Residence District (R-VC) to the Village Center Business District (B-VC).

ARTICLE 28. Zoning Bylaw - Special Permits, Section 10.38 - Specific Findings

(By Petition of F. Hartwell)

"To see if the Town will vote to amend the Zoning Bylaw as follows:

In Section 10.38, strike out paragraph 10.387 and paragraph 10.391 and insert in place thereof the following:

- 10.387: The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent streets, property or improvements. If the special permit granting authority deems the proposal likely to have a significantly adverse impact on traffic patterns, it shall be permitted to require a traffic impact report, and the proposal shall comply with Section 11.2437 of this Bylaw.
- 10.391: The proposal protects to the extent feasible unique or important natural, historic, or scenic features.
- 10.392: The proposal provides adequate landscaping, including the screening of adjacent residential uses, provision of street trees, landscape islands in the parking lot and a landscape buffer along the street frontage.
- 10.393: The proposal provides protection of adjacent properties by minimizing the intrusion of lighting, including parking lot and exterior lighting, through the use of cut-off luminaires, light shields, lowered height of light poles, screening, or similar solutions.
- 10.394: The proposal avoids, to the extent feasible, impact on steep slopes, floodplains, scenic views, grade changes, and wetlands.
- 10.395: The proposal is related harmoniously to the terrain and to the use, scale, and architecture of existing buildings in the vicinity which have functional or visual relationship thereto.
- 10.396: The proposal provides screening for storage areas, loading docks, dumpsters, rooftop equipment, utility buildings, and similar features.
- 10.397: The proposal is in harmony with the general purpose and intent of this Bylaw."

ARTICLE 29. Town Bylaw - Amendment to Article IV - Removal of Snow and Ice from Sidewalks (Disability Access Advisory Committee)

To see if the Town will amend Article IV of the Town Bylaws by replacing the existing "Removal of Snow and Ice" bylaw with the following:

1. The owner of any real property that abuts any sidewalk shall remove any and all accumulation, whether natural or otherwise, of snow and/or ice within 24 hours of the end of the precipitation which caused the accumulation. If the snow and/or ice has accumulated other than by precipitation, it shall be removed within 24 hours of its accumulation on such sidewalk. In order to comply with this bylaw, all sidewalks shall be cleared to the surface of the sidewalk, or, where it is impracticable to do so, the sidewalk shall be treated with sand or otherwise. It is the express intent of this bylaw to assure safe and convenient access on sidewalks to all travelers, including those with disabilities and/or mobility impairments, including those confined to wheelchairs.
2. Any owner of real property who violates section 1, above, of this bylaw, shall pay a fine of \$100. Each 24-hour period in which snow and/or ice is not removed or treated as provided in section 1, above, shall constitute a separate offense. No prosecution or other proceeding hereunder shall be commenced more than 60 days from the violation. The provisions of this bylaw may be enforced through the non-criminal disposition method as provided in M.G.L. c. 40, § 21D. For the purposes of non-criminal disposition, the following shall be enforcing persons: Police Officers.

3. In addition to the remedies provided in section 2, above, the Select Board, in its discretion, may after due notice to the owner of the real property and an opportunity to be heard, perform or otherwise cause the clearing or treating of snow and/or ice to be performed and recover from said owner the expense therefore which shall not exceed \$500.00. Such expense shall constitute a municipal charge lien against the real property as provided in M.G.L. c. 40, § 58.

ARTICLE 30. Special Act - Rent Control for At-Risk Housing
(Housing Partnership/Fair Housing Committee)

To see if the Town will authorize the Select Board to petition the General Court for a Special Act authorizing the Town to control rents in governmentally involved housing. The purpose of this act is to protect residents of governmentally involved housing, in so much as there is a threat that many low-income individuals and families may be displaced as a result of repayment of mortgage financing, loss of use or rent restrictions, expiring subsidy contracts, and expected increases in rent.

The Home Rule Act would allow the Town to establish the maximum rent for the governmentally involved housing as the rent in effect six months before the basis for federal or Massachusetts Housing Finance Agency (MHFA) rent preemption lapsed, adjusted to ensure fair net operating income.

ARTICLE 31. Cordials & Liqueurs (Select Board)

To see if the Town will accept the provisions of M.G.L. c.38, § 12, relative to the issuing of Cordials and Liqueurs licenses.

ARTICLE 32. Resolution: Amherst/UMass Agreement (By Petition of Larry Kelley)

"Resolved:

Town Meeting disapproves of the following elements of the agreement signed by the Select Board and Town Manager on January 26, 1996 with the University of Massachusetts at Amherst.

- (a) Drop the \$203,000 moving ticket violation lawsuit in exchange for three payments of \$66,600/year in ambulance fees.
- (b) Postponing pursuit of hotel/motel tax for three years in exchange for \$50,000 in economic development and planning services.
- (c) Postponing discussions and implementation of any new fees (except town-wide fees) and of any additional differential charging methodologies on existing fees."

ARTICLE 33. Resolution - Unfunded Services to Colleges (Select Board)

To see if the Town will adopt a resolution to the effect that the Town strongly supports the Select Board and the Town Manager in their efforts to obtain from Amherst and Hampshire Colleges fair compensation to the Town for the unfunded services provided by the Town of Amherst to them.

ARTICLE 34. Advisory Question: Ambulance Reimbursement from Colleges
(By Petition of Larry Kelley)

"Town Meeting advises the Select Board and Town Manager to vigorously pursue the same ambulance reimbursement paid by UMASS and surrounding Towns (\$6/resident) from both Amherst College and Hampshire College."

ARTICLE 35. Sale of North Amherst Fire Station (By Petition of Vince J. O'Connor)

"To see if the Town will vote to declare surplus and place on sale in accordance with the provisions of Chapter 30B the land and improvements on Parcel 81 of Map 5A of the Town Cadastre, comprising 800 square feet more or less, upon which is located a building known as the old North Fire Station, said location being 24 Pine Street, subject to the following restrictions enforceable by sufficient penalties:

- a. the building shall neither be moved nor demolished,
- b. the building shall be used only for residential purposes or for a home business accessory to such residential use,

- c. any renovation work on the old North Fire Station, which is a contributing structure in an historic district, shall be subject to the approval of the Amherst Historic Commission - in accordance with the Secretary of the Interior's Standards and Guidelines for the Renovation of Historic Structures,
- d. no parking shall be allowed on the site except inside the structure, exceptions being allowed during renovation and for similar purposes."

ARTICLE 36. Acceptance of Streets (By Petition of Amherst Woods Association)

"To see if the Town will establish as townways, rights-of-way and easements and accept the layouts of the same, each of the following streets and adjacent rights-of-way and easements: Woodlot Road, Wildflower Drive, Old Farm Road (and any other or parts of other roads in Amherst Woods that are not currently accepted as townways), and authorize said Board to take eminent domain, purchase or otherwise acquire any fee, right, easement or other interest in land therefor, no appropriation being required."

ARTICLE 37. Special Act - Permitting Resident Aliens to Vote
(By Petition of Vladimir Morales)

"To see if the town would vote to authorize the Select Board to file with the Legislature a Special Act permitting resident aliens to vote in town elections."

ARTICLE 38. Town Meeting Study Committee
(By Petition of the League of Women Voters of Amherst)

"To see if Town Meeting will direct the Moderator to appoint a committee of seven citizens to study procedures and practices associated with town meeting, and submit recommendations for improvements therein to the next annual town meeting; said study to include but not be limited to the efficiency and size of town meeting and its function and accountability as a legislative body."

ARTICLE 39. Town Meeting Rules of Order (By Petition of Kenneth R. Mosakowski)

"To see if the Town will vote to amend the Rules of Order to make Town Meeting more efficient and accountable by reducing speakers' time limits, decreasing the number of members required to obtain tallied votes, and requiring the publication of all members' tallied votes and members' attendance records in a local newspaper and in the Annual Town Report."

ARTICLE 40. Resolution in Support of Hampshire County Government
(By Petition of Frieda N. Howards)

"Whereas, the voters of Hampshire County approved a Home Rule Charter in November of 1988 which provided that each community be represented by at least one county commissioner, and amended the same in 1992; and,

Whereas, the Hampshire County Human Services department provides financial and organizational assistance to the County's human service agencies, including agencies which serve thousands of Amherst residents; and,

Whereas, the Hampshire County Cooperative Purchasing Department saves municipalities, school districts, and non-profit human service agencies over \$3 million dollars a year on supplies and avoided administrative costs while insuring that purchases are professionally handled in accordance with state law; and,

Whereas, the Hampshire County Regional Service Department operates the only program in the Commonwealth to screen surplus military property for municipal use, has secured funding or provided technical assistance for programs addressing emergency planning, oil tank removal, E911 services, regional lock-ups, etc., and supervises a regional inspection services program; and,

Whereas, the Hampshire County Group Insurance Trust cooperatively provides health and life insurance to over 2,400 employees of 25 public employers under the supervision of a County Insurance Manager and an Insurance Advisory Committee; and,

Whereas, the Hampshire County Retirement Board assists retirees and their public employers by providing timely, locally available information and effectively managing over \$50 million in retirement fund investments to minimize those employers annual retirement assessments; and,

Whereas, Hampshire County operates, at an average 97% capacity, a Long-Term Care Facility which has set regional caregiving standards in part by achieving 100% no-deficiency ratings in its most recent state and federal certification; and,

Whereas, Hampshire County and the elected Register of Deeds jointly operate a modern, efficient Registry of Deeds, the local availability of whose services is vital to the municipalities, businesses, and residents of Hampshire County;

NOW, THEREFORE BE IT RESOLVED, that the Amherst Representative Town Meeting, taking into account the positive influence of Hampshire County services in our civic lives, calls upon State Senator Stanley Rosenberg, State Representative Ellen Story, and the legislative leadership of the Massachusetts Senate and House to work and vote to support, maintain, and strengthen county government; and,

FURTHER, BE IT RESOLVED, that the Amherst Representative Town Meeting ask these same legislators to work with the commissioners of this and other counties to provide the basis for long-term financial stability for counties; and,

FURTHER, BE IT RESOLVED that a signed and attested copy of this resolution be sent all named individuals forthwith."

You are hereby directed to serve this call by posting attested copies thereof at the usual places:

- | | |
|-----------------------------------|------------------------------|
| Prec. 1 North Amherst Post Office | Prec. 6 Fort River School |
| Prec. 2 North Fire Station | Prec. 7 Crocker Farm School |
| Prec. 3 Marks Meadow School | Prec. 8 Munson Library |
| Prec. 4 Amherst Post Office | Prec. 9 Wildwood School |
| Prec. 5 Bangs Community Center | Prec. 10 Campus Center/UMass |

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said meeting.

Given under our hands this 8th DAY of April, 1996

Bryan C. Harvey
Brenna Y. Kucinski
Hill Boss
Eva Schiffer
Homer W. Cowles
Board of Selectmen

Hampshire, ss. April 18, 1996

In obedience to the within Warrant, I have this day as directed posted true and attested copies thereof at the above designated places, to wit:

Sgt. Scott P. Livingstone
Constable